

REMARKS

1. The Examiner has rejected claims 1 – 10 as being obvious in light of Danielle (USPN 5,444,779) in view of Clearwater (USPN 5,530,520).
2. In the Examiner's assessment of the features of claim 1 he does not identify any sections of Danielle or Clearwater which disclose the steps of:

*"retrieving the document from a document database; [and]
providing the document to the user;"*

The Applicants submit that this is because neither of the citations disclose these two steps. Both citations are concerned with the **reproduction** of a document via a scanner or photocopier. They are not concerned with **obtaining** a document which the user may not possess. The methods disclosed in the citations could not be correctly classified as methods of "collecting a copyright fee relating to a document when a user **obtains**, via coded data disposed on a surface, **the document**" (emphasis added) as claimed in claim 1.

Many sections of Danielle point to the fact that the invention disclosed therein is only concerned with document **reproduction** (see for example col. 12, lines 40-44, the Abstract, col. 1, lines 10-26). Similarly, Clearwater is also concerned solely with document **copying** or **reproduction** (see for example col. 1, lines 6-21, the Abstract, col. 2, lines 50-52).

Although Clearwater does disclose a document database 46 (see col. 4, lines 54 to 61) documents are never **retrieved** from that database for the purpose of reproduction.

Documents are not retrieved from the database in the Clearwater arrangement because the user already has the document and is copying it on a reprographic device. The sole purpose of the Clearwater system is to allocate a copyright fee to the copyright owner if a user attempts to reproduce the copyright work.

Since both Danielle and Clearwater are concerned only with reproducing documents in the possession of a user, they teach away from a method which involves the steps of :

*"retrieving the document from a document database; [and]
providing the document to the user;"*

For this reason, the combination of Danielle and Clearwater does not disclose an invention which takes all of the features of claim 1. Claim 1 is therefore novel and inventive in light of the prior art.

3. Also of significance is the fact that neither of the citations disclose the steps of:

"receiving ... indicating data indicative of a request for the document ... [and] identifying, from the indicating data, the request for the document;" (emphasis added).

In Clearwater, the closest thing to the Applicant's *"indicating data"* is the *"revised document signals."* These are described in column 3, lines 66 and following in this way:

"The revised document signals include identifiers that identify the particular copying service 12 and, optionally, identify the copier 16 on which the document was copied."

At no stage in the Clearwater specification are the *"revised document signals"* said to be *"indicative of a request for the document."* Given that the Clearwater invention never involves the retrieval of a stored document from a database for the purpose of reproduction, it is not surprising that the Clearwater invention never involves a request for such a document. Since there is no retrieval, and no request, it is also not surprising to find that Clearwater does not disclose any *"indicating data"* which is *"indicative of a request for the document."* Similarly, it is not surprising to find that Clearwater does not disclose the step of *"identifying, from the indicating data, the request for the document."*

4. Similar arguments apply in relation to Danielle. The closest thing in Danielle to the Applicant's *"indicating data"* is the decoded glyph codes. A description of what a decoded glyph code may contain appears in column 8 at lines 27 to 40 as follows:

"the digital information could be a representation of an ASCII data which would then be parsed to determine one or more of the following: a) an indication of a copyright for the document; b) an identification number for the document (i.e. ISBN, ISSN, etc.); c) an indication of the publisher and/or author of the document and an electronic address or equivalent indication of information necessary to properly transfer funds or notify the copyright holder; and d) the copyright royalty due as a

result of copying the [entire] or portions of the document, including any discounts applicable for multiple reproductions."

Nowhere in this comprehensive list of the contents of the "digital information" obtained from the decoded glyph codes is there any information which is "indicative of a request for the document." There is therefore no disclosure of any "indicating data" as claimed by the Applicants. Nor is there any disclosure of the step of "identifying, from the indicating data, the request for the document."

If is clear from the above analysis that neither of the citations disclose the steps of:

"receiving ... indicating data indicative of a request for the document ... [and] identifying, from the indicating data, the request for the document," (emphasis added).

5. The Examiner has also suggested that Danielle anticipates claims 5 and 10. The Examiner's particular attention is drawn to the final phrase of those claims which reads:

"...the indicating data is indicative of ... a position of the sensing device relative to the region."

In paragraph 4 of the Official Action the Examiner has equated the Applicant's "sensing device" with Danielle's "glyphs detector, 30". If this is the case, then the Danielle "sensing device" never moves "relative to the region" and "... a position of the sensing device relative to the region" is meaningless. Even if the position could be construed to have some meaning it is clear that the "digital information" obtained from Danielle's decoded glyph codes are not indicative of such a position. Danielle therefore does not disclose any indicating data which is "indicative of ... a position of the sensing device relative to the region."

6. In light of these arguments, the Examiner is respectfully requested to reconsider his obviousness objections and to allow this application to proceed to acceptance.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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